

NOTICE OF EMERGENCY RULE PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

TEXT OF RULE: DMR Regulation 96.04, Closed Area No. 64-C, Mount Desert Island (including Somes Sound), Swans Island

1. Effective immediately, because of contamination (Paralytic Shellfish Poison), it shall be unlawful to dig, take or possess any species of mussels (*Mytilus* or *Modiolus*), carnivorous whelks or carnivorous snails taken from the shores, flats and waters of Hancock County between a line drawn southwesterly from the most western point of land on Dodge Point, Tremont, Mount Desert Island to the northwestern tip of Pond Island, southwesterly to R"8" bell buoy (Egg Rock), then southerly to the most western point of land on Marshall Island, then true south to the limit of the U.S. jurisdiction and a line drawn true south from the most eastern point of land on Great Head, Bar Harbor to the limit of the U.S. jurisdiction.

EXCEPTION: Under the guidelines of DMR regulations Chapter 1301, the waved whelk (*Buccinum undatum*) may be harvested from this area provided they are properly tagged at the time of harvest and processed within the State of Maine.

All DMR Regulations concerning closures of shellfish due to bacterial pollution are not affected by this emergency rule and will remain in full force and effect.

EFFECTIVE DATE: June 18, 2004

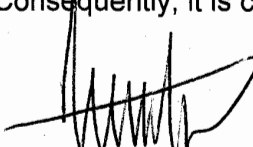
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West Boothbay Harbor, ME 04575

BANGOR DAILY NEWS
June 22, 2003

STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources adopts this emergency DMR Regulation 96.04, Closed Area No. 64-C, Mount Desert Island (including Somes Sound), Swans Island, which prohibits the taking of any species of mussels, carnivorous whelks or carnivorous snails from the shore, flats and waters between a line drawn from Dodge Point, Tremont to Pond Island and Marshall Island then south to the limits of the U.S. jurisdiction and a line drawn true south from Great Head, Bar Harbor to the limits of the U.S. jurisdiction.

Department personnel have sampled the area and have determined that shellfish in this area contain dangerous levels of red tide toxin. Consequently, it is closed to protect the public health.



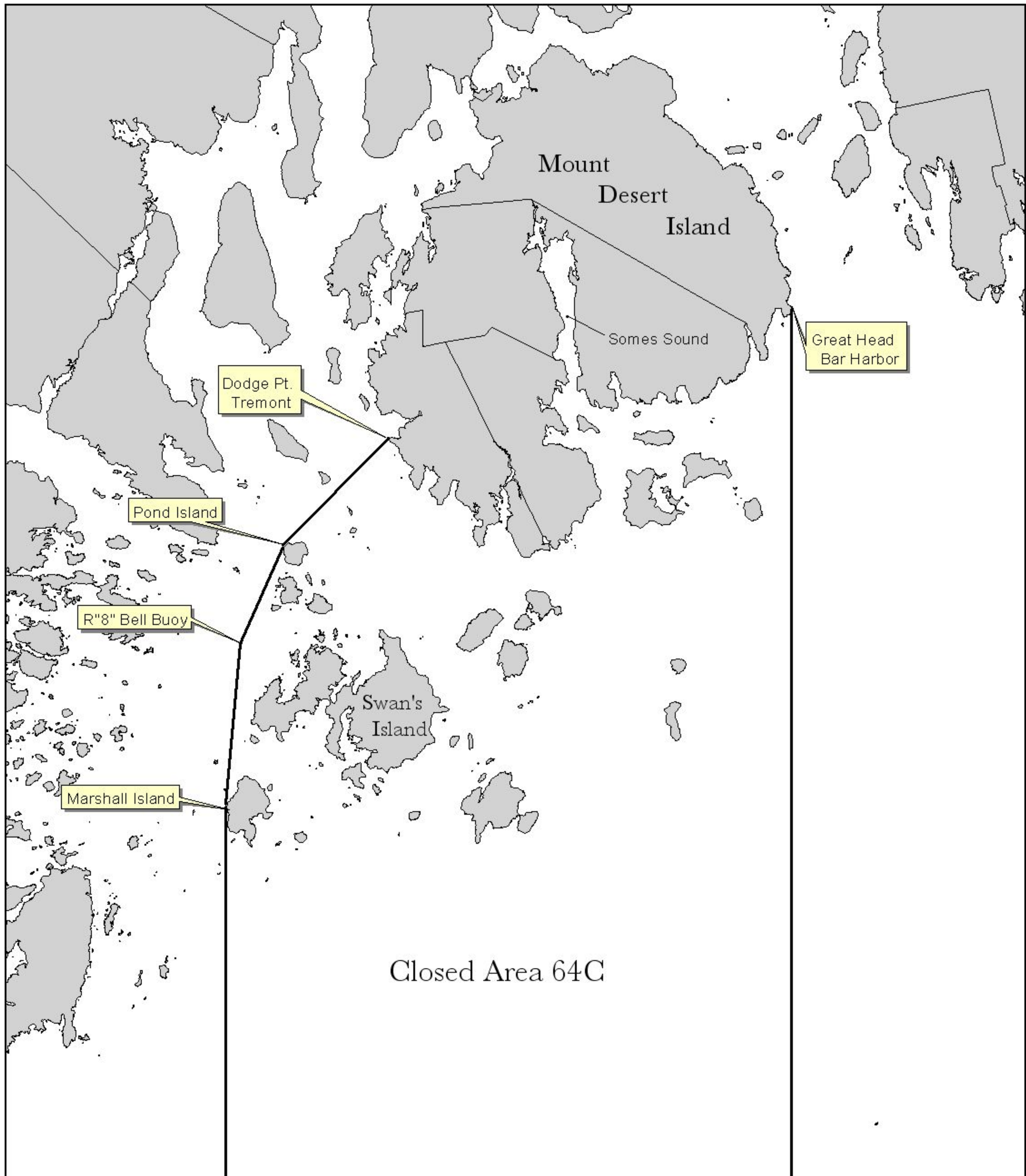
DAVID ETNIER
DEPUTY COMMISSIONER



Maine Department of Marine Resources

Legal Notice of Shellfish Closure Area

64C - Mount Desert Island and Swan's Island 6/18/04



5 0 5 10 Miles